IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15204 of 2004

Between:

Sri Yeruva Venkateshwarlu, S/o Ramaiah,
R/o Chetla Mitta Village, Peddarveedu Mandal,
Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Markapur, Prakasham District.
2 The Mandal Revenue Officer, Peddarveedu Mandal,
Prakasham District.
3 Sri Godapu Venkateshwara Reddy, S/o Venkata Reddy,
R/o Chetla Mitta Village, Peddarveedu Mandal,
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate orders, direction or writ particularly one in the nature of writ of mandamus declaring the proceedings bearing No.RCH/1540/2004 dt.12-08-2004 of the respondent No.1 in suspending the dealership as illegal, arbitrary, contrary to law and principles of natural justice and consecutively to direct the respondents to continue the petitioner as fair shop dealer.

Counsel for the Petitioner: Mr. K.Anoop Kumar

Counsel for Respondents 1 and 2: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.3: Mr. M. Brahma Reddy

The Court made the following at the admission stage:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.15204 OF 2004

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ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 and 2 and the learned Counsel for the third respondent.

This writ petition is filed questioning the proceedings issued by the first respondent – Revenue Divisional Officer dated 12-08-2004, whereunder the authorization of the petitioner was suspended on the basis of the report of the Mandal Revenue Officer, Peddaraveedu dated 10-08-2004 stating that the petitioner has been indulging in certain irregularities in distribution of the essential commodities. Under the said order, the third respondent has been appointed as a temporary dealer.

This Court having prima facie found that the impugned order is in the nature of a final order, by way of substantive punishment, by order dated 30-08-2004 granted interim orders suspending the impugned order pending further orders.

Now, a counter-affidavit has been filed on behalf of the respondents 1 and 2 in

which it is stated that a show-cause notice has been served on the petitioner. However, even the date of the notice has not been furnished and nothing has been placed before this Court to show that any enquiry was pending by the date of the impugned order. Learned Government Pleader, on the basis of the record, states that the show-cause notice was subsequently served on the petitioner and his explanation was also received. If that be so, it is always open to the respondents 1 and 2 to proceed with the enquiry, but the impugned order of suspension being in violation of the principles of natural justice cannot be sustained.

In the circumstances, the impugned order is set aside and the Writ Petition is disposed of with a direction to the respondents to conduct the necessary enquiry and to pass appropriate orders in accordance with law after considering the explanation filed by the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No order as to costs.

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08th November, 2004.

Note:- CC in three days.

(B/O)

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To

1 The Revenue Divisional Officer, Markapur, Prakasham District.

2 The Mandal Revenue Officer, Peddarveedu Mandal,
Prakasham District.

3 Two CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad.(O.U.T.)

4 Two CD copies.